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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THROY OTANES,

Plaintiff,

v.

HYATT REGENCY HOTEL
(BURLINGAME), JIMMY FLORES,
RON GRAY, TOM PHIPPS, JOSE
REYES, and DOES ONE through FIFTY,

Defendants.

Case No. CV 07 5936 MHP

**JOINT UPDATED CASE MANAGEMENT
CONFERENCE STATEMENT AND
[PROPOSED] ORDER**

Complaint Filed in State Court: May 15, 2007

Pursuant to Civil Local Rule 16-10(d), the parties to the above-entitled action, defendants Hyatt Corporation dba Hyatt Regency San Francisco Airport, Jimmy Flores, Ron Gray, Tom Phipps and Jose Reyes (collectively "Defendants"), and plaintiff Throy Otones ("Plaintiff"), jointly submit this Updated Case Management Statement and Proposed Order and request the Court to adopt it as its Case Management Order in this case.

I. Progress Since Last Case Management Conference

Since the initial Case Management Conference in this matter on March 24, 2008, the parties completed the exchange of their initial disclosures and attended an Early Neutral Evaluation session with Eric P. Angstadt on May 6, 2008. Prior to the ENE session, the parties prepared written ENE Statements that were submitted to Mr. Angstadt on April 29, 2008. Although the parties agreed to conduct the session more as a mediation than an ENE, the matter ultimately did not settle. No further follow-up sessions were scheduled with Mr. Angstadt.

Plaintiff also prepared a Proposed Stipulated Order to dismiss Plaintiff's breach of contract and breach of the covenant of good faith and fair dealing causes of action from the Complaint, which Plaintiff will file with the Court.

II. Scheduling

In the Joint Case Management Statement filed by the parties on March 3, 2008, a tentative set of scheduling deadlines was proposed. The parties have met and conferred regarding a revised timeline and accordingly propose the following scheduling deadlines:

- | | | |
|----|--|--------------------------|
| A. | <u>Non-Expert Discovery Cut-off:</u> | <u>November 14, 2008</u> |
| B. | <u>Designation of Experts:</u>
(Parties shall conform to Fed.R.Civ.P. 26(a)(2)) | <u>December 1, 2008</u> |
| C. | <u>Expert Discovery Cut-off:</u> | <u>December 30, 2008</u> |
| D. | <u>Dispositive Motions (Last Day for Hearing):</u> | <u>February 13, 2009</u> |
| E. | <u>Pre-Trial Conference:</u> | <u>April 13, 2009</u> |
| F. | <u>Trial:</u> | <u>April 20, 2009</u> |

1 Dated: June 2, 2008

FOLGER LEVIN & KAHN LLP

2 /s/ *Lisa M. van Krieken*

3 Lisa M. van Krieken
4 Attorneys for Defendants Hyatt Corporation dba Hyatt
5 Regency San Francisco Airport, Jimmy Flores, Ron
Gray, Tom Phipps and Jose Reyes

6 Dated: June 2, 2008

M.G. TEODORO LAW

7 /s/ *May Antoinette G. Teodoro*
8 *(as authorized 05/30/08)*

9 May Antoinette G. Teodoro
10 Attorney for Plaintiff Throy Otones

PROPOSED ORDER

The court finds that each party was represented by lead trial counsel responsible for trial of this matter and was given an opportunity to be heard as to all matters encompassed by this Case Management Statement and Proposed Order filed prior to this conference.

The foregoing joint statement is adopted by this court as the Case Management Order in this action in accordance with Civ. L.R. 16 and other applicable Local Rules, and shall govern all further proceedings in this action.

IT IS SO ORDERED.

Dated:

MARILYN HALL PATEL
United States District Court Judge

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